

REMARKS

A restriction has been required under 35 U.S.C. § 121 to one of six groups of inventions, characterized as Groups I to VI. The claims of each group, and the Office Action's interpretation of the subject matter associated with each group, are set forth below.

Group I, encompassing claims 1 to 7, in part, drawn to compounds of formula I where R is an alkyl chain;

Group II, encompassing claims 1 to 7, in part, drawn to compounds of formula I where R is a chain interrupted by heteroatoms;

Group III, encompassing claims 1 to 7, in part, drawn to compounds of formula I where R is an alkyl aryl;

Group IV, encompassing claims 9 to 19, in part, drawn to various methods of treating different diseases;

Group V, encompassing claim 8, drawn to a process of making compounds; and

Group VI, encompassing claim 20, drawn to compounds of formula III.

The Office Action indicates that if Applicants elect a group drawn to compounds that are found to be allowable, then one method of treatment limited to the scope of the elected compounds will be rejoined with the elected subject matter.

The Office Action asserts that the inventions of Groups I to VI are patentably distinct. Applicants respectfully traverse the restriction requirement because a search and examination of the subject matter defined by the entirety of the pending claims can be conducted without a serious burden.

Applicants respectfully submit that the relationship among the subject matter defined by the present claims is such that a reasonable search of the compounds defined by the claims

of any one of Groups I, II, III, or VI would necessarily lead to disclosures, to the extent any exist, of the compounds defined by the claims of the remainder of each of Groups I, II, III, or VI. In addition, a reasonable search of the compounds defined by the claims of any one of Groups I, II, III, or VI would necessarily lead to disclosures, to the extent any exist, of processes of making such compounds and of methods of treating diseases using such compounds, which is the subject matter of groups IV and V. Accordingly, a search and examination of the subject matter of the entirety of Groups I to VI could be conducted without a serious burden, and Applicants respectfully request withdrawal of the restriction requirement. M.P.E.P. § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.")(emphasis added).

Moreover, the subject matter defined by the claims of each of Groups I to III and V has been classified into the same class (class 546), demonstrating a recognition in the art of a single subject of inventive effort, and indicating that a single field would be required to search the entirety of the subject matter defined by the claims of those groups. Accordingly, Applicants respectfully submit that, at the very least, a search and examination of the subject matter encompassed by Groups I to III and V would not impose a serious burden on the Examiner, and respectfully request withdrawal of the restriction requirement with respect to those groups.

In accordance with 37 CFR § 1.143, applicants hereby provisionally elect the subject matter of Group I for prosecution on the merits, encompassing claims 1 to 7, in part.

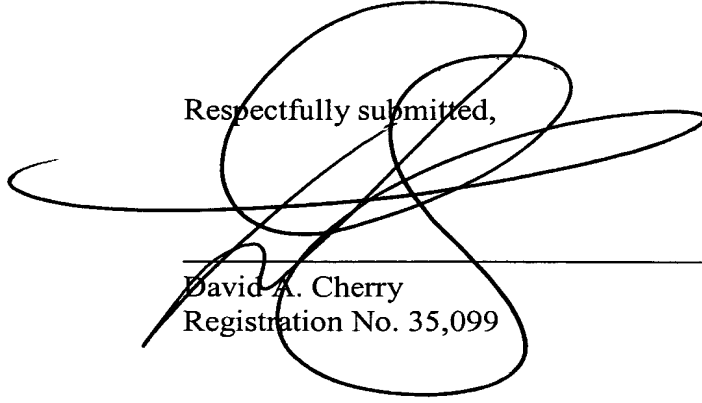
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PATENT

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Respectfully submitted,



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